

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 08-03126-01-CR-S-GAF
)	
JERRY Q. DAVIS,)	
)	
Defendant .)	

ORDER

In accordance with the Report and Recommendation filed by Chief United States Magistrate Judge James C. England, it is hereby

ORDERED that the Court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist property in his defense. It is further

ORDERED that the defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1) for a reasonable period of time, not to exceed four months. It is further

ORDERED that prior to the expiration of the four-month period, the Court shall be advised whether there is a substantial probability that in the foreseeable future defendant will attain the capacity to permit the trial to proceed, and whether commitment is necessary for an additional reasonable period of time until

(A) his mental condition is so improved that trial may proceed, if the Court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

(B) the pending charges against him are disposed of according to law;

whichever is earlier.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: January 21, 2009